

Notice of Allowability

Application No.

10/007,642

Examiner

Martin A. Gottschalk

Applicant(s)

HUTTON ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/18/2006.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Notice to Applicant

1. This communication is responsive to the amendment filed 10/18/2006. Claims 1-33 are pending and have been allowed. Claims 1, 3, 11 are amended; claims 2, 4-10 and 12 are original; claims 13-18 are previously presented; claims 19-33 are new.

Reasons for Allowance

2. Claim 1 is directed to an integrated emergency medical transportation database system having a billing modifier module, the system comprising:

a medical emergency database configured to store at least clinical encounter information and transport information, wherein the transport information is associated with the clinical encounter information by at least including a location of a patient medical emergency;

and

a billing modifier module configured to access the clinical encounter location stored in the medical emergency database and configured to compare the clinical encounter location to a list of geographic areas and further configured so that the

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result of the comparison is used to determine at least one billing modifier to be applied to the medical charges associated with the medical emergency.

The prior art of record teaches a medical emergency database in a properly motivated combination with a billing modifier module. The prior art fails to teach or suggest a comparison of a clinical encounter location to a list of geographic areas so that the result of the comparison is used to determine a billing modifier to be applied to the medical charges associated with the medical emergency.

The closest prior art of record, Sullivan (US PG Pub# 2003/0093320), teaches a system for sales transaction compliance which compares a geographical location code of a buyer or seller to a database of taxing jurisdiction codes to determine the appropriate sales tax for the transaction, i.e. it uses a comparison of a location to a list of geographic areas to produce a billing modifier (sales tax) which is applied to the charges of the sale. However, Sullivan fails to suggest why one of ordinary skill in the art would combine a sales tax system to an emergency medical transport billing system, since sales taxes do not apply to the latter scenario.

3. Claim 11 is the corresponding method claim to system claim 1, thus the reasons for allowance for claim 11 are the same as provided for claim 11.

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4. Claim 33 recites an "enhancement factor", i.e. a type of "billing modifier" recited in claims 1 and 11, and is thus allowed for the same reasons as provided above for those claims.

5. The remaining claims depend from either claim 1 or 11, and are thus allowed for the same reasons provided above for those claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin A. Gottschalk whose telephone number is (571) 272-7030. The examiner can normally be reached on Mon - Fri 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MG
01/05/2006



ELLA COLBERT
PRIMARY EXAMINER